

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00420-CV

TRACEY DENBY, Appellant

V.

JOSEPH HERMAN, Appellee

On Appeal from the 172nd District Court
Jefferson County, Texas
Trial Cause No. E-201,324

MEMORANDUM OPINION

The trial court signed an order granting Beaumont Independent School District's and Joseph Herman's plea to the jurisdiction on October 10, 2018. Tracey Denby, Appellant, filed a notice of appeal but failed to file a brief. On February 11, 2019, we notified the parties that Appellant's brief was past due and had not been filed, that the appeal would be submitted on the record alone unless we received a brief and motion for extension of time by February 21, 2019, and we warned Appellant that the failure to file a brief could result in dismissal of the appeal for

want of prosecution. On February 22, 2019, having received no response to the late brief notice, we notified the parties that the appeal would be submitted to the Court on March 15, 2019, without briefs and without oral argument. *See* Tex. R. App. P. 39.8.

If an appellant fails to timely file a brief, the appellate court may dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure and the appellee is not significantly injured by the appellant's failure to timely file a brief. *See* Tex. R. App. P. 38.8(a)(1). In this case, appellant failed to assign error for appellate review by filing a brief. Accordingly, we dismiss the appeal for want of prosecution. Tex. R. App. P. 42.3(b).

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Submitted on March 15, 2019
Opinion Delivered March 28, 2019

Before McKeithen, C.J., Kreger and Johnson, JJ.